



University of  
**Salford**  
MANCHESTER

**Student Misconduct Procedure (previously Student Disciplinary Procedure).**

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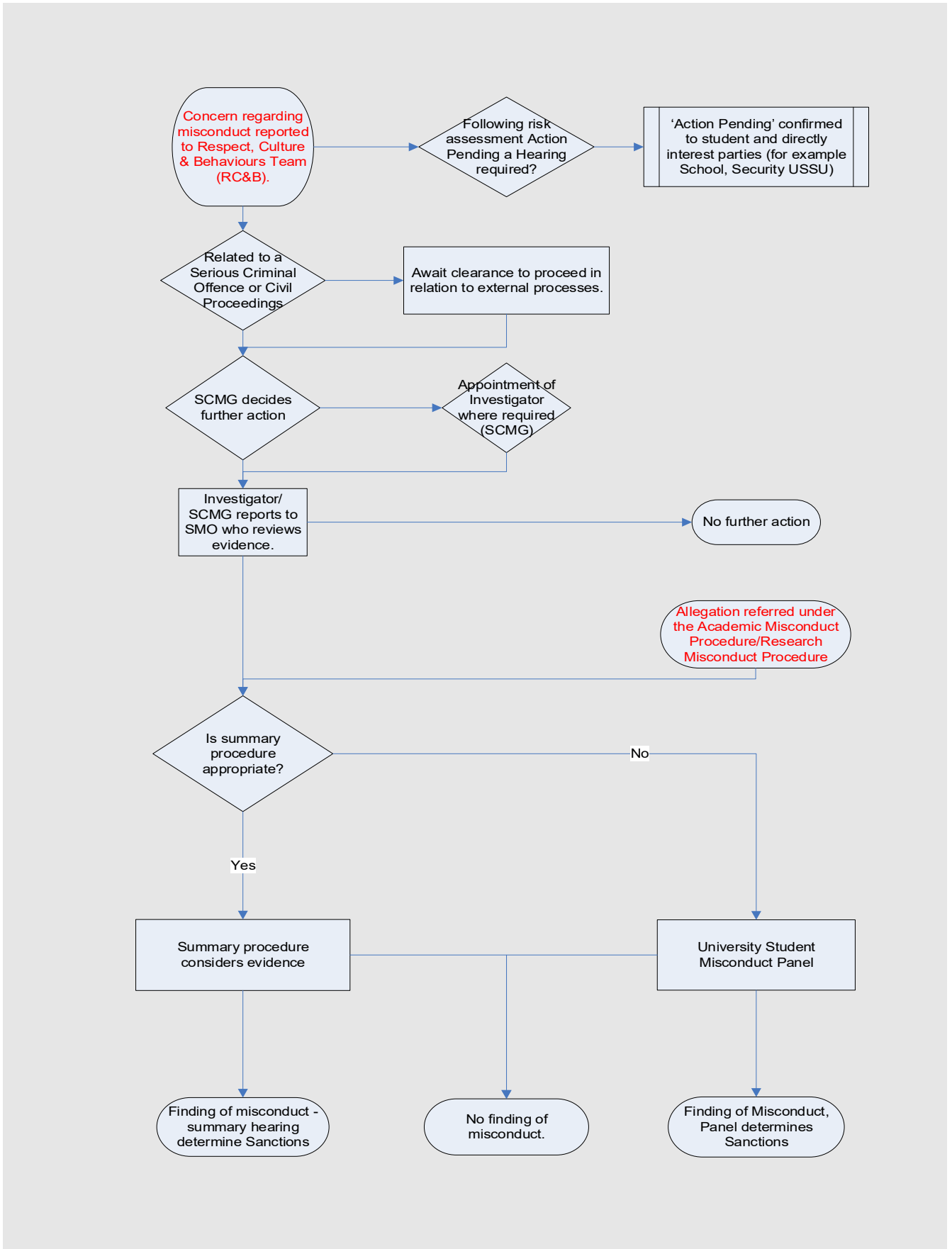
**Quality Management Office.**

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1.0 Flowchart for the Student Misconduct Procedure



## **2.0 Policy Statement**

### **2.1 Purpose**

2.1.1 The Student Misconduct Procedure explains the process and timescale for dealing with allegations relating to student conduct or behaviour. A flow chart setting out the possible stages of the Student Misconduct Procedure is set out in section 1 above.

### **2.2 Scope**

2.2.1 The Procedure may be initiated in response to reports from staff, other students or third parties. Once a case is being considered it is a matter between the University and the student(s) concerned, that is the students the concerns are raised about. The Procedure is not used to resolve third party concerns or matters that would be more appropriately dealt with through other channels (e.g. criminal or civil courts). In certain instances, a case subject to criminal/civil proceedings may also be considered under the Procedure.

2.2.2 Where the student is also a member of staff, guidance should be sought from the Human Resources Division and Quality Management Office (QMO) as to whether any allegation might be considered under a separate specific procedure, or an agreed amended procedure; for example, a procedure may be paused whilst another is completed, the constitution of a Panel hearing may be amended.

2.2.3 Cases that give rise to significant concerns for the University's reputation will not be dealt with by any staff whose area of responsibility includes public relations, communications, or similar matters.

### **2.3 Graduation and Award**

2.3.1 A student may not be granted an award, obtain certification of an award or attend a graduation ceremony whilst a matter of alleged misconduct is still in the process of being dealt with under this procedure.

### **2.4 Interruption of Study and Withdrawal**

2.4.1 Where a student is on an interruption of study or suspended from the University, normally any hearing of a case will be postponed until the interruption or suspension is completed. However, if the case is deemed serious by Student Case Management Group (SCMG), in consultation with the Student Misconduct Office and Chair of Student Misconduct Panel where appointed, or if the student concerned requests it, the University reserves the right to continue with the procedure. Cases relating to sexual misconduct harassment will not normally be postponed in such circumstances.

2.4.2 Where a student withdraws once the Procedure has been initiated, the University may choose to continue to hear a case. Should the University choose not to proceed with a case, a note will be placed on the student file and the case re-activated should the student re-apply to the University.

### **2.5 Partner Institutions/Collaborative Provision**

2.5.1 Where a student is studying for University credit or award at a partner institution then normally the equivalent procedure for that institution will be followed. However, the University reserves the right to take action under its own procedures where the allegations relate to detriment to any student of the University, member of staff or third party (for example allegations relating to sexual misconduct/harassment) or where they may have a significant impact on the academic integrity or reputation of the University.

### **2.6 Misconduct**

2.6.1 Any student registered at the University shall be subject to misconduct measures if the student is suspected to have committed an act of misconduct. The essence of misconduct under this procedure is that it:

- i) causes detriment or any serious physical or emotional harm to any student, member of staff or other third party;
- ii) obstructs, frustrates, or disrupts the functioning or activities of the University, or of those who work or study at the University;
- iii) otherwise damages the University or its reputation, whether this takes place on campus or off campus.

2.6.2 The Student Code of Conduct and Appendix A of this Procedure provide indicative examples of what shall constitute misconduct, whether occurring on University premises or elsewhere, including in the virtual environment such as social networking or other virtual spaces. The Code is available at <https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures>.

2.6.3 The University may, at its discretion, bring forward independent evidence, commissioned from sources other than the University, including on the potential impact of allegations upon the University's reputation.

2.6.4 The University shall normally report any suspected criminal offence to the Police. However, if a person claims to be the victim of an offence committed by a student, but does not wish the Police to be involved, the Student Case Management Group (SCMG) may agree not to report the matter.

## **2.7 Witnesses and Support and Representation at Meetings and Hearings, including legal representation**

2.7.1 Information on supporters, representatives and witnesses is available from the University webpage <https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures>.

2.7.2 Legal Representation will not normally be approved for meetings held as part of an investigation, nor for School level hearings.

## **2.8 Student and Other Key Party, Ill-Health or other exceptional circumstances**

2.8.1 At all stages of this Procedure, exceptional circumstances may arise, such as serious and significant illness, which if evidenced by the student or other party would permit adjournment, suspension or termination of proceedings. Where such circumstances are not suitably evidenced, those dealing with the allegation, at whatever stage, shall consider it in absence of the student or other party.

2.8.2 Where a witness, whose involvement is central to the case, and the concerns raised are considered serious, the University may pause the process or postpone further consideration in order to allow them to be able to participate, for example to allow an alleged victim of sexual violence/harassment to be able to provide a statement.

## **2.9 Impact Statement**

2.9.1 All parties, in particular those who report allegations of misconduct, but also those who are subject to allegations as well as those who may have witnessed the alleged misconduct, may submit impact statements to be considered by a hearing. These statements should be concise and concentrate on the impact of the specific misconduct on the individual concerned. They should not report or speculate on the impact on others. They should not set out expectations of actions to be taken by the University.

2.9.2 Impact statements will be made available to a hearing (Panel members or Chair of Summary hearing) where a decision to uphold a case has been made, prior to any decision on sanctions. Impact statements may be used, alongside the procedure, guidance and other evidence in

identifying appropriate sanctions. Records of hearings should record when such impact statements have had an impact on the sanction(s) identified.

## **2.10 Attendance at Meetings and Hearings**

- 2.10.1 Students are expected to make every effort to attend hearings and meetings scheduled under this procedure.
- 2.10.2 Hearings will normally be held via Microsoft Teams. Face to face hearings may be held at the request of a student as a reasonable adjustment where such a request is supported by, for example, a Reasonable Adjustment Plan (RAP).
- 2.10.3 Where a student can evidence good cause for being unable to attend a scheduled date, a hearing may be postponed at the discretion of the SMO/Chair of the Panel, where a request is provided in good time prior to the hearing.

## **2.11 Paper based hearing (documentation only).**

- 2.11.1 A student can request for a hearing to take place as a paper-based exercise that is to be considered via documentation only, that is the hearing considers the documentation from the University and the student, without attendance by the student. Should a student wish to request a paper-based hearing they need to do so in writing, providing a written response to the case being presented, via [studentconduct@salford.ac.uk](mailto:studentconduct@salford.ac.uk) at least five working days prior to the date of the hearing. The SMO/Chair of the Panel will make the final decision on whether to accept a request for a paper-based hearing.
- 2.11.2 Where it is agreed to proceed to a paper-based hearing the SMO/AMO will not be present to present the case.
- 2.11.3 Where witnesses have been called by the University, and where a student requests a paper-based hearing, the Chair may reserve the option to request a written submission from the witness.

## **2.12 Hearing with Representative, but without student**

- 2.12.1 If, for good reason, a student is unable to attend a meeting or hearing under the procedure, then they may request permission from the University for the student's representative to attend in their place (see [guidance](#)).

## **2.13 Unavailability of SMO/AMO**

- 2.13.1 Where an SMO (Student Misconduct Officer) or AMO (Academic Misconduct Officers) is unable to present a case then normally the University will seek an alternative presenter, however, where no SMO/AMO is available to present, unless there are exceptional reasons, the hearing would usually continue in their absence.

## **2.14 Unavailability of Witnesses**

- 2.14.1 Where a witness is unable to attend, then a postponement may also be considered by the Student Misconduct Officer (SMO)/Chair where the non-attendance of the witness is likely to have a significant and detrimental impact on the ability of the hearing to come to a fair and clear conclusion. Such a postponement would be considered exceptional, the preferred option being to continue with the hearing as scheduled.

## **2.15 Where a student does not attend a hearing without prior notification (Consideration in Absence)**

- 2.15.1 If a student is unable to attend any meeting or hearing under this procedure, or fails to engage with the procedure, the Student Misconduct Officer (SMO)/Chair of the Panel may agree that the allegation be considered in the student's absence based on the evidence available at the time of the meeting or hearing.

## **2.16 Covert Recordings as Evidence**

2.16.1 The University will not normally accept the use of covert audio or video recordings (recordings made without the knowledge of another individual) as evidence to support a case.

### **2.17 Verification of Submitted Evidence**

2.17.1 Where evidence related to third parties is submitted in evidence (including GP letters, hospital communications, etc.) the University reserves the right to seek to confirm the authenticity of the evidence, including, but not restricted to, contacting those third parties named.

### **2.18 Consideration Through More Than One Procedure/Double Jeopardy**

2.18.1 A decision under this Procedure may inform a decision on whether any further action need be taken through another Procedure, for example the Fitness to Practise (FtP) Procedure. However, for the avoidance of double jeopardy, the University will not consider the same specific case through two separate procedures. For example, in a case referred to FtP, the 'act of misconduct' would not be reconsidered under that Procedure, but the professional implications of the decision under this Procedure could be reviewed.

2.18.2 Where it becomes apparent that a case originally raised as a case of suspected misconduct, and considered through this Procedure, may actually relate to potential breaches of another Procedure, a case may then be raised under the alternative Procedure. In doing this, the Student Case Management Group (SCMG) should liaise with the relevant member of staff nominated by for that procedure, and the student be informed in writing of any change. Guidance on this is available from QMO.

## **3.0 Audio Recording**

3.1.1 The audio recording of meetings and hearings held under this procedure is prohibited, subject to such reasonable adjustment as may be agreed by the University where required to comply with the Equality Act 2010.

3.1.2 Where reasonable adjustments have been agreed, the student is asked to inform the Secretary, or other member of staff arranging a meeting, as early as possible, at least five working days prior to the hearing/meeting to allow the University to ensure suitable facilities are available.

## **4.0 Burden and Standard of Proof**

4.1.1 The burden is on the University to prove the allegation(s) of misconduct by the student.

4.1.2 In deciding whether the student has committed the misconduct, the standard of proof to be used shall be 'the balance of probabilities', that is, on the evidence, the student is more likely than not to have committed the misconduct.

## **5.0 Data Management**

5.1.1 All processing of personal data is undertaken in accordance with all applicable data protection legislation. This applies to all parties involved in the process, including the student who may be responding to allegations, that is where evidence contains data or personal information of third parties, they may not share that information except as required by the Procedure and allowed under the legislation.

5.1.2 Where an allegation relates to possible criminal activity, the University may share information with police as set out in the relevant information sharing agreement.

5.1.3 Where appropriate, findings and sanctions imposed may be referred to in references which are requested for students. Normally this would only be the most severe of cases, for example, but not limited to, where the University imposed sanctions suspension or expulsion.

5.1.4 Where a third party, who is a member of the University (staff or student), has been involved in a case as a victim of the alleged incident, the University may, on request, provide information on whether the case is being considered, and the outcome of any misconduct hearing. Where the



third party is external to the University, the University would not normally provide information with regards to specific cases but may exceptionally do so where the information could potentially impact on the wellbeing of the third party. A written record of all such instances, with grounds for disclosure, should be kept.

- 5.1.5 A student who is to be suspended or subject to other 'Precautionary Measures' under this procedure, or who will be subject to the sanction of suspension or expulsion, shall be reported to the relevant School, QMO, Student Experience and Support (SES), Security and to the Chief Executive of the Students' Union as appropriate. Schools should ensure that any staff within the school who need to be informed of these actions are informed. Only the required information should be shared.
- 5.1.6 Where there is a contract/agreement with a student's employer/sponsor which requires notification, the University may also notify such bodies as required.

## **6.0 Implications for International Students**

- 6.1.1 A student studying on a visa who is to be suspended as a 'Precautionary Measure', or who will be subject to the sanction of suspension or expulsion, shall be reported to the University's Home Office Compliance Team for further advice and guidance on the implications for their immigration status and leave to remain in the UK. Once this has been considered, and if the decision to suspend or expel is maintained, the Home Office Compliance Team will report this, as appropriate, to the Home Office (UK Visas & Immigration).

## **7.0 Advice and Support**

- 7.1.1 QMO is responsible for administration of the procedure and general enquiries about the procedure can be made by e-mail to [studentconduct@salford.ac.uk](mailto:studentconduct@salford.ac.uk).
- 7.1.2 All staff with named roles under the Procedure must have completed relevant staff development training.
- 7.1.3 Individual independent advice to students is available from the University of Salford Students' Union (USSU): <http://www.salfordstudents.com>.
- 7.1.4 Support for all students is available via Counselling and Wellbeing and askUS, there is specific support available for those who are victims of serious misconduct including sexual violence/harassment.

## **8.0 Related Documentation**

- 8.1.1 The following documents can be found on the University web pages <https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures>:
- Student Academic Integrity Policy and Academic Misconduct Procedure,
  - Applicant and Student Criminal Conviction Policy and Procedure,
  - Fitness to Practise Procedure,
  - Fitness to Study Procedure,
  - Risk, Review and Response,
  - Student Charter and Student Code of Conduct.
- 8.1.2 Supporting documentation is available via the student facing procedures website <https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures> and the staff hub <https://testlivesalfordac.sharepoint.com/sites/QEO/SitePages/StudentFacingPolicies.aspx>.

## **9.0 Procedure**

### **9.1 Misconduct that is also a Criminal Offence or is subject to Civil Proceedings**

- 9.1.1 The following processes apply where the alleged misconduct is reported to University and the misconduct is, or is likely to be, subject to any police action, criminal proceedings and/or civil proceedings, including action by a relevant Professional, Statutory or Regulatory Body (PSRB).
- 9.1.2 The Student Case Management Group (SCMG) may at any stage defer (either completely or partially) the taking of any action under this procedure in relation to the student's misconduct until the external action against the student has been concluded or clearance to proceed has been provided. Normally the Student Conduct Officer on behalf of SCMG team shall notify the student where it is decided to defer under this provision. The SCMG and Respect Cultures and Behaviours team C&B team will also review whether it is appropriate to notify other parties, such as any alleged victim, of any delay. In most serious cases, for example those relating to sexual violence/misconduct, this would be expected to occur.
- 9.1.3 The University may rely upon any finding of guilt or liability made against a student in any criminal and/or civil proceedings for the purposes of taking action against the student for misconduct under this Procedure but only if, and to the extent that, the finding relates to that misconduct.
- 9.1.4 Where a student has been sentenced by a criminal court in respect of misconduct, the sentence imposed shall be taken into consideration when determining any sanction for that misconduct under this Procedure.
- 9.1.5 Where a student has been convicted and a custodial sentence has been imposed in the UK the matter would normally be considered under the Applicant and Student Criminal Conviction Policy and Procedure (ASCCPP). Where there is a case under SMP the SCMG may, depending on ASCCPP considerations, confirm that a student's registration is withdrawn. SCMG shall notify its decision to the Dean of the student's School (or nominee) for action. As a guide, where a sentence is a year or more, then withdrawal would be expected.

### **9.2 Initiation of the Student Misconduct Procedure**

- 9.2.1 Concerns regarding student conduct will normally be reported via the Report+Support portal.
- 9.2.2 Matters that require urgent action will be referred to Risk Review and Response (RRR).
- 9.2.3 The University will ensure notifications are reviewed and appropriate support mechanisms for students identified.
- 9.2.4 The University will inform the student of the concerns raised, support available, and next steps to be taken. The University shall, normally within 5 working days of the concerns being notified to the student, decide whether or not the case needs referral to the Student Case Management Group (SCMG) or if other action is more appropriate. In some cases, this process will take longer depending on the nature of the concern raised.
- 9.2.5 The University will confirm its decision to the student in writing and, as appropriate, notify the relevant school, and other offices as needed (for example Security).
- 9.2.6 SCMG shall decide:
- no further action is required;
  - if additional support needs need to be put in place;
  - to defer decision whilst further information is acquired (for example additional evidence from reporting party, a Wellbeing or Occupational Health report);
  - to seek alternative resolution, such as requiring the student to sign an Acceptable Campus Behaviour Agreement (ABC);
  - to initiate the Student Misconduct Procedure (SMP);

- f. to refer to another process or Procedure either alongside or instead of SMP (for example the Support to Study Procedure, Student Complaint Procedure, Safeguarding policy, Fitness to Practise Procedure). Where more than one Procedure or process is initiated SCMG will ensure mechanisms are in place to coordinate actions taken;
- g. to impose Precautionary Measures (see section 9.4 below);
- h. to refer to Investigation (see section 9.5 below);
- i. to refer direct to a Summary or University hearing.

9.2.7 SCMG to notify the student in writing of the decision made.

### **9.3 Referral of Cases under the Academic Misconduct Procedure.**

9.3.1 Where the allegation arises from consideration under the Academic Misconduct Procedure (“most serious” cases of academic misconduct), there is no requirement to hold a preliminary interview or further investigation, and cases may be referred direct to the Student Misconduct Panel by a School Academic Misconduct Officer (AMO) except where there were concerns the academic misconduct are linked to other forms of alleged misconduct (for example, harassment, coercion, theft, or fraud), in which case, this aspect must be referred via the SCMG, under this Procedure, to allow consideration of the most appropriate route forward.

### **9.4 Referral of Cases under the Research Misconduct Procedure**

9.4.1 Where the allegation arises involving a student from consideration under the Research Misconduct Procedure, there may be no requirement to hold a further investigation, and cases may be referred direct to the Student Misconduct Panel by SCMG.

#### **9.4.2 Precautionary Measures**

9.4.3 A student who is the subject of an allegation of misconduct may be subject to specific requirements as set by the SCMG pending a misconduct hearing and, if applicable, any subsequent appeal. Such action is reserved for cases of serious misconduct and may be made with or without any reasonable conditions (as determined by the SCMG).

9.4.4 When imposing any requirements under this section the SCMG should do so based on potential risk. Advice on making a risk assessment can be obtained from the Student Experience and Support (SES) and QMO.

9.4.5 Precautionary Measures are a neutral act in the context of the eventual determination of whether an allegation is found to be proven or not proven. Its purpose may be, for example:

- to ensure that potential witnesses or other evidence are not subject to interference;
- to avoid any repetition of the circumstances which led to an allegation;
- to ensure the safety and wellbeing of the University community, including the student against whom an allegation has been made, as well as the alleged victim.

9.4.6 Written reasons for the decision to impose Precautionary Measures shall be recorded by the SCMG and sent to the student, copied to the student’s school and QMO.

9.4.7 Precautionary Measures may include one or more of:

- whole or partial prohibition from entering all or specific University premises,
- prohibition on approaching, contacting (in person, by telephone, email, social media or other means), or having cause for a third party to approach or contact named individuals,
- requirement to cooperate with the University and/or accommodation provider on relocating to new accommodation,

- prohibition from participating in specific University activities, including exercising their functions or duties of any office or committee membership in the University,
- withdrawal of the student's access to IT facilities.

- 9.4.8 Precautionary Measures may be subject to further qualification, such as permission to take an examination, submit an assignment, engage with agreed support mechanisms.
- 9.4.9 When considering Precautionary Measures which may directly impact on a student's studies (for example suspension from campus) SCMG must consult the student's School.
- 9.4.10 A student subject to such Precautionary Measures should seek guidance from their School on how they might nevertheless best continue their studies.
- 9.4.11 The terms of the Precautionary Measures shall be notified in writing to the student by SCMG.
- 9.4.12 Other parties, such as alleged victims and witnesses may be informed of any Precautionary Measures where it is of direct interest for them to be informed, for example in cases of sexual violence/harassment, it would be expected for the alleged victim to be informed of any restriction relating to attendance on campus, approaching named individuals, etc.
- 9.4.13 In cases deemed to be urgent, particularly if the safety or welfare of others is perceived to be at risk, such actions may be imposed with immediate effect and before the student being given the opportunity to make representations. In this instance, the student or their representative shall be permitted to put forward representations at the earliest possible opportunity. The University may also consider such matters under Risk, Review and Response policy and procedure.
- 9.4.14 SCMG and the relevant School must keep all such actions under review and at a minimum this should be done, recorded and notified to the student before the start of each Trimester.
- 9.4.15 A student wishing to instigate a review of any Precautionary Measures due to significant altered circumstances can do so at any point during the period the action is imposed via a written request submitted through QMO [studentconduct@salford.ac.uk](mailto:studentconduct@salford.ac.uk). Such a request should provide appropriate supporting evidence of relevant significantly altered circumstances.
- 9.4.16 The Head of Academic Quality Management or nominee shall review the Precautionary Measures on receipt of evidence from the student of significantly altered circumstances, which might affect the order. That review shall be supported by an officer of QMO.
- 9.4.17 Where a student has a visa, discussions should be held with the University's Home Office Compliance Team at the earliest opportunity to confirm any potential impact on the student's visa.

## **9.5 Investigation**

- 9.5.1 Where the decision is that the matter will be subject to an investigation the SCMG will nominate a suitable member of staff from the pool of trained staff or external agencies not directly involved in the details of the case to undertake the investigation.
- 9.5.2 QMO, SCMG and RC&B will provide guidance for those completing investigations. The investigation shall be concluded as soon as is reasonably practicable and preferably within 30 working days of the appointment of the investigation. However, where extensive investigation is required, this may extend the timescale of the investigation. The student must be informed of any significant delays.
- 9.5.3 The role of the investigator is not to 'build a case', but to gather relevant information regarding the allegations being considered.
- 9.5.4 When the investigation is complete, the investigator shall prepare a report using the University template (this will be provided by SCMG).

9.5.5 The investigator will normally include one of the following recommendations:

- a. there is no case to answer and that no further action should be taken;
- b. the information indicates that there is potentially a case to answer;

They may also note whether:

- c. there is a need to refer the student for a medical assessment or to refer to the Wellbeing Team and/or other health/support service;
- d. named individuals to be considered as witnesses should a case be referred to a hearing.

## **9.6 Review of Investigation/Case Referred by SCMG**

9.6.1 Upon completion of the investigation, the SCMG will identify a member of staff from the pool of trained staff to review the case (the Student Misconduct Officer (SMO)).

9.6.2 The SMO will review the investigator's findings (report and appendices) supported by a member of staff from QMO.

9.6.3 The SMO may dismiss the allegations immediately if the SMO believes that there is no case for the student to answer, or if there is another reason to do so. The reasons for this decision must be recorded in the notification sent to the student.

9.6.4 Where further action is to be taken, the SMO shall take one of the following actions:

- a. refer the matter to another procedure;
- b. refer the case for further consideration at a Summary Hearing;
- c. refer the case for further consideration by a Student Misconduct Panel;
- d. refer the student to the Wellbeing Team and/or other support/health service prior to a decision (a, b or c) under the procedure.

9.6.5 The SMO shall normally within 5 working days of receipt of the report write to the student, copied to the student's school, QMO and RC&B, informing the student of the outcome of the investigation, providing a brief explanation for the decision made.

9.6.6 Where there is a recommendation for referral to the Wellbeing Team and/or other service, the SMO will confirm this in writing to the student setting an appropriate deadline for the completion of this referral. Following receipt of the outcome from such a referral, the SMO will review the case again and decide whether further action under the procedure is required. Should the student, without good reason, fail to engage with a referral to the Wellbeing Team and/or Occupational Health then the University may continue the process without the student's input. This failure to engage may be reported and considered at later stages of the procedure.

9.6.7 The SMO's response and the full investigation findings (report and appendices where applicable) will be submitted to the student and copied to the student's school, QMO and RC&B.

## **9.7 Summary Hearing**

9.7.1 If the SMO considers it appropriate to do so, the matter may be dealt with by them at a summary hearing, normally held within between 10 and 30 working days after the initial decision (unless the student agrees in writing that a shorter period is acceptable). In reaching a decision on whether the matter should be dealt with summarily, the SMO shall consider the nature of the allegation and whether the sanctions available in the event of a decision that an act of misconduct has occurred would be sufficient.

9.7.2 Cases involving 'most serious' allegations, for example, cases relating to allegations of sexual violence/harassment must be considered at a University hearing.

- 9.7.3 The SMO will refer the matter to the Student Misconduct Panel where it is not consider appropriate to deal with the matter at summary level.
- 9.7.4 If the matter is dealt with at a summary hearing, the SMO shall consider written or oral evidence as they think fit. The SMO shall find the student had committed an act of misconduct only if, on the available evidence, the SMO is satisfied, on the balance of probabilities, of the occurrence of misconduct.
- 9.7.5 If the SMO finds the student committed an act of misconduct, the SMO may impose any of the sanctions set out at Section 9.13 of this procedure other than h) suspension up to a maximum of up to twelve months; i) withdraw a past award or academic credit; or j) expulsion from the University.
- 9.7.6 The SMO shall write to the student, copied to the relevant School, confirming the outcome within five working days of the hearing.
- 9.7.7 Where the hearing finds the student had committed an act of misconduct, the outcome letter shall set out:
- the alleged misconduct
  - a brief summary of evidence considered
  - the grounds for the decision that an act of misconduct had occurred
  - the sanction(s) imposed,
  - the factors taken into account in deciding the sanction(s).

This letter, unless otherwise stated, will be the record of the hearing. It shall also detail the right of the student to request a review of the decision.

- 9.7.8 A copy the outcome letter to the student, and any additional record of the hearing where one exists, shall be copied to the relevant school, RC&B and QMO when issued to the student.
- 9.8 Student Misconduct Panel – Referral and Constitution**
- 9.8.1 If a matter is to be referred to the Student Misconduct Panel, the SMO shall notify QMO. QMO will notify the student in writing of the referral of the alleged misconduct and of the arrangements for further consideration of the student's case.
- 9.8.2 The matter shall usually be considered at the next scheduled meeting of the Student Misconduct Panel where there is capacity.
- 9.8.3 The student shall be given a minimum of 10 working days' notice before the meeting of the Panel.
- 9.8.4 If there are a series of related alleged misconducts involving one or more students, the University may deal with all the allegations at one hearing.
- 9.8.5 Membership of the Panel shall be drawn from a pool of staff members nominated by Deans of schools, Directors of professional services and nominees of the Students' Union. Different staff will be involved in offering guidance to students than those serving as Panel members or as members of an Appeal Panel. Each meeting of the Panel shall comprise two staff members, one of whom shall be Chair, and one nominee of the Students' Union. Staff Panel members shall be drawn from outside the student's School. An officer of QMO shall act as Secretary but shall not constitute a member of the Panel or take part in the decision making.
- 9.8.6 The SMO where available shall attend to present the case. If the SMO who completed the review of the investigation is not available SCMG may appoint an alternative to attend in their place.

9.8.7 Where there has been an Investigation, the investigator will normally be invited to be in attendance at the meeting at the same points as the student and the SMO, and may be called by the Panel to act as a witness at any point during these sections of the hearing.

9.8.8 Where cases involve a postgraduate research student and relates to either alleged academic misconduct or research misconduct, a member of the student's supervisory team will normally be invited to be in attendance, and may act as a witness.

## **9.9 Student Misconduct Panel – Submission of Documentation and Call for Witnesses**

9.9.1 The SMO will set out the allegation(s) in full, with supporting evidence, and name witnesses, if any, to be called, in advance of the hearing. Where this has been an investigation this would normally be the Investigator's Report and covering letter, but may also include additional information, for example any outcome of a OH review where required. A copy shall be sent to the student at least 10 working days before the hearing.

9.9.2 The SMO and the student may call witnesses. Any witness called must have testimony pertinent to the specific matter to be addressed, for example character witnesses should not be called (see [guidance](#)). The University must notify the student of any witnesses called at least 10 working days before the hearing. A student must notify the University of any witnesses they intend to call at least 5 working days before the hearing.

9.9.3 The student may submit their written response no later than 5 working days before the hearing. This response to the allegations would be expected to outline the basis of their defence against the allegations and name witnesses, if any, who are to be called to attend the hearing.

9.9.4 The Secretary or the Chair of the Panel may in exceptional circumstances also call for witness statements in support of the allegation in advance of the hearing. If such statements are requested, they are required to be submitted to QMO at least 5 working days before the allegation is heard. Such statements shall be circulated to all parties in advance of the hearing.

9.9.5 The Chair of the Panel or SCMG may seek to confirm the authenticity of evidence or statements submitted to a hearing prior to the hearing taking place.

## **9.10 Student Misconduct Panel – Order of Proceedings**

9.10.1 The Order of Proceedings shall normally be as follows:

- i) Introduction of those present, outline of procedure;
- ii) Student invited to declare any factors which may affect their performance in the hearing;
- iii) The allegations of misconduct set out by the SMO (AMO for academic misconduct cases);
- iv) The student, or the student's representative, shall respond to the allegations;
- v) Questions and answers;
- vi) Witnesses from either party;
- vii) The SMO and then the student invited to make final comments. New evidence is not admissible at this time;
- viii) The SMO and the student shall withdraw whilst the Panel reach their decision.

9.10.2 The order may be varied at the discretion of the Chair, reasons for this should be minuted.

9.10.3 The Panel may impose time limits on oral addresses and submissions. The Chair may also intervene with any speaker to require them to only address matters pertinent to the hearing, to meet expected timescales, to avoid repetition or other matter which may be considered to impact on the fair and efficient operation of the hearing.

9.10.4 The Panel shall rely only on evidence presented at the hearing or submitted beforehand.

9.10.5 If two or more students are involved in related allegations of misconduct and there are the same witness(es) to both cases, the Panel may at its discretion deal with the witness statements for both cases together.

### **9.11 Student Misconduct Panel – Adjournment of a Hearing**

9.11.1 Exceptionally, at the discretion of the Panel, proceedings may be adjourned for a period not normally exceeding 20 working days in the first instance and its decision deferred for that period. The decision and reasons for the decision must be included in the minutes and written notification sent to the student and the SMO/AMO.

### **9.12 Student Misconduct Panel – Decision**

9.12.1 The Panel shall find a student had committed an act of misconduct, on the evidence before it, if it is satisfied, on the balance of probabilities, that the student had committed the act of misconduct. If the members of the Panel cannot agree, the verdict of the Panel shall be that of the majority of its members. Where a decision is taken by majority of panel members, that is it was not unanimous, this must be recorded in the minutes.

9.12.2 A decision that an act of misconduct has occurred should be made based on the evidence of the specific instance before the Panel.

9.12.3 Information in relation to previous findings of misconduct will not normally be provided to the Panel until a decision on the case before it has been reached.

### **9.13 Applying Sanctions**

9.13.1 When considering the sanction, the Panel should be permitted to consider evidence relating to similar types of misconduct previously confirmed. Such evidence regarding previous misconduct cases must be considered alongside all other evidence submitted when deciding on a sanction, and must not form the sole or main evidence considered.

9.13.2 Where it is concluded a student committed an act of misconduct, sanctions may be imposed by the hearing (summary or Panel). The sanctions are set out below. The sanction shall take account of guidance provided on applying sanctions, any representations in mitigation made by the student or the student's representative, along with any impact statements received from other parties, particularly alleged victims.

9.13.3 The overriding principle underpinning the determination of sanctions is that these should be proportionate to the particular offences. When determining sanctions, consideration shall be given to the seriousness of the misconduct, the circumstances of the misconduct, the means and general personal circumstances of the student and also whether the University has suffered any particular detriment as a result of the misconduct. Account should also be taken of the feasibility of discharging the sanction. A guidance note on mitigation and aggravating factors is provided in Appendix A.

The sanctions that may be imposed are one, or a combination of, the following:

- a) **Written undertaking by the student.** This may include specific actions which should be clearly specified by the Panel, including dates for completion and the point/process for signoff. These would include one or more of:
  - i) To be of good conduct for a period determined by the Panel hearing;
  - ii) To agree and sign an Acceptable Behaviour Contract (ABC);
  - iii) To not approach or contact named individual(s) or knowingly cause on their behalf another to contact them;



- iv) To complete an action plan/log relevant to the finding of the Panel;
  - v) To complete a reflective essay on specific aspect(s) of their behaviour, understanding and/or conduct relevant to the finding of the Panel (the Panel must specify the length of the essay). Where required the Panel may ask that a member of staff with appropriate expertise be asked to recommend to the Chair that the action has been appropriate to allow the Chair to sign off the reflective essay and confirm that it has met appropriate standards given the nature of the action and/or specific programme and the level of the student.
- b) **First Written Warning.** This shall give details of the concerns, the improvement required and the timescale as appropriate. It shall warn that further action will be considered if there is a repeated incident and/or no satisfactory improvement (as determined by the Chair of the Panel/Student Misconduct Officer). A copy of the Written Warning shall be placed on the student's record for 12 months. Should there be a report of further misconduct within a period of 12 months from the date of the hearing, then the new allegation may be considered an alleged breach of the Written Warning and will itself be considered as a potential act of student misconduct. After 12 months, any further report will not be considered as a breach of the Written Warning, but may be referred to a hearing should any new allegation be upheld after that decision is made, but before any sanctions are applied. After 12 months the Written Warning will remain on record as set out by the University Retention Scheme.
- c) **Final Written Warning.** This shall give details of the concerns, the improvement required and the timescale. It shall warn that further action will be considered if there is a repeated incident and/or no satisfactory improvement (as determined by the Chair of the Panel/SMO). A copy of the First/Final Written Warning shall be placed on the student's record for 24 months. Should there be a report of further misconduct within a period of 24 months from the date of the hearing, then the new allegation may be considered an alleged breach of the Written Warning and will itself be considered as a potential act of student misconduct. After 24 months, any further report will not be considered as a breach of the Written Warning, but may be referred to a hearing should any new allegation be upheld after that decision is made, but before any sanctions are applied. After 24 months the Written Warning will remain on record as set out by the University Retention Scheme.
- d) **A fine/Compensation.** A fine of up to a maximum of £500. Compensation of a reasonable sum in respect of identified and quantified loss, for example for damages to cover full or partial costs.
- e) **Performance of unpaid services** for the University community to a maximum of 40 hours.
- f) **Not to contact named individual(s).** That the student does not approach nor contact named individual(s) or knowingly cause on their behalf another to contact them, this will be for as long as they remain a student of the University, unless specified otherwise.
- g) **Prohibited from attending a specific building or area of University campus for a defined time period of up to 12 months.** This may be a blanket exclusion, or may be specific to certain time slots.
- h) **Period of suspension** from the University for a fixed period, up to a maximum of twelve months.

A student who is suspended may be prohibited from entering all University premises, from placement and from participating in University activities. Suspension may be subject to qualification, such as removal of access to University email, permission to take an examination or remote access to the Library and IT Services. The terms of the suspension

shall be confirmed by the Panel and be notified to the student in writing with the outcome of the hearing. An order of suspension may include a requirement that the student shall have no contact with a named person or persons. Any breach in the terms of the suspension may result in a student receiving a further, more serious sanction (such as expulsion).

- i) **Withdrawal of academic credit or award.** This would normally be restricted to the most serious occasions of academic misconduct where credit has already been ratified by an Assessment Board, or where the most serious misconduct interfered with and disrupted the learning and/or assessment of others. The process is by a recommendation to the Assessment Board/Postgraduate Research Award Board that credit or an award already conferred, at any time during a student's registration, be withdrawn.
- j) **Expulsion** from the University, which means that the student ceases to be a member of the University, has their registration as a student cancelled and loses all rights and privileges of membership. A student expelled from the University would not be permitted further study at the University or on a University of Salford award.

## 9.14 Academic Misconduct Procedure

9.14.1 Sanctions (for taught programmes) imposed following referral to the Student Misconduct Panel under the Academic Misconduct Procedure shall include one of the following:

- a) a mark of 0 or grade of F is awarded for the component of assessment in question;
- b) a mark of 0 or grade of F is awarded for the component in question and the module mark kept at the minimum pass mark;
- c) a mark of 0 or grade of F is awarded for the component in question and marks for all modules at that level will be kept at the minimum pass mark;

so that the 'academic' sanction imposed is consistent with what would have been imposed under the Academic Misconduct Procedure.

9.14.2 Proven cases of academic misconduct will be referred back to the Assessment Board for implementation of the academic sanction. The Assessment Board will inform the student of its decision in the normal way and of any academic requirements following the implementation of the sanction.

9.14.3 Following the imposition of an 'academic' sanction a 'misconduct' sanction may also be imposed. However, account should be taken of the overall impact of any imposition of both a 'misconduct' and an 'academic' sanction.

9.14.4 Normally, any proven case of academic misconduct at Level 8 will result in the expulsion of the student from the University. In exceptional cases, where the nature of the misconduct is marginal, and there are significant and compelling documented evidenced, exceptional circumstances (please note personal mitigating should be reported at the time via appropriate routes - see Student Academic Integrity Policy and Academic Misconduct Procedure section 10.1.2), then for a student at Interim Assessment (IA) or Internal Evaluation (IE), the Student Misconduct Panel may set a sanction of 'fail' for that assessment, with the requirement that the student undertake further training on academic good practice and provide a personal written reflective statement on academic integrity, academic good practice and academic misconduct to be signed off by the PgR Coordinator/ADR&E and the Chair of the Panel (on the advice of other Panel members) prior to recommencement of study and in no less than 20 working days from the date of notification.

In such exceptional circumstances, the Panel must provide, and record in the minutes, a clear and explicit rationale as to why a sanction other than expulsion was determined equitable, sufficient and appropriate.

**9.15 Student Misconduct Panel – Communication of Decision and Sanction.**

- 9.15.1 Where a hearing is held virtually, normally a brief communication regarding the decision and any sanction will be sent to the student's University email address on the day of the hearing.
- 9.15.2 Where a hearing is held 'in person', the decision and any sanction will normally be communicated orally to the student after adjourning to consider the evidence. Where this oral communication is not possible, a brief communication of the decision of the Panel will normally be sent to the student's University email address on the day of the hearing.
- 9.15.3 The decision, and any sanction agreed, will be communicated to the student in writing (outcome letter) along with the minutes of the Panel hearing (where a University hearing) within five working days of the date of the hearing, or the date of a reconvened hearing where there is an adjournment.

**9.16 Request for Review**

- 9.16.1 The student shall be allowed 10 working days from the date on the outcome notification to provide written notice to QMO of a request for review of the decision and provide relevant supporting evidence. Where, exceptionally, the minutes of a University Panel hearing are delayed then the deadline for appeal will be extended until 10 working days from the date of the circulation of the minutes.
- 9.16.2 The request for review must identify one or more of the three following grounds it is being submitted in relation to:
- A: that new and relevant evidence is available which, for good and reasonable cause, was not available to an earlier stage of the Procedure (as the case may be) at that earlier stage of this Procedure. (Exceptional circumstances are needed to explain why any evidence could not have been made available);
  - B: that there was a relevant and significant defect, error, or mistake in the conduct of the earlier stage of this Procedure which casts reasonable doubt on the decision reached, in that the decision might have been different if the defect, error or mistake had not occurred;
  - C: that the decision reached at the earlier stage of this Procedure is manifestly unreasonable. In this context, unreasonable will be taken to mean perverse, that is the decision was not one that a similar process might have reached.
- 9.16.3 Requests for Review should be submitted using a Request for Review form:  
<https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures>.
- 9.16.4 A request from a student for a rehearing is not a valid ground for review.
- 9.16.5 The student must not only identify a ground or grounds for review, but must also provide evidence to support those grounds.
- 9.16.6 The Head of Academic Quality Management (or nominee) shall, in all cases, and normally within 5 working days, determine whether the request for review has been received within the appropriate timescale and discloses a valid ground of appeal.
- 9.16.7 The Head of Academic Quality Management (or nominee) shall reject any request for review which does not disclose a valid ground of appeal; does not evidence a ground or ground(s) of appeal or is out of time. In such instances, the student shall be notified by a Completion of Procedures Letter.
- 9.16.8 If the notice of request for review is accepted as valid by the Head of Academic Quality Management (or nominee), depending on the ground(s) for appeal, they may refer the case back to an earlier stage of the Procedure or to an Appeal Panel as appropriate.

9.16.9 A review shall only be heard by an Appeal Panel if there is evidence to support one or more of the grounds set out above.

9.16.10 Where a review is pending the Chair of the Student Misconduct Panel, where requested, shall have power to defer the operation of the sanction to suspend a student, to withdraw an award or to expel a student pending the outcome of the review. Such a decision will not apply where a student would be expected to attend a placement, clinical practice, or other direct interaction with the public without agreement of the nominee of the Dean of School.

### **9.17 Student Misconduct Appeals Panel**

9.17.1 Where the Head of Academic Quality Management (or nominee) refers a case to a Student Misconduct Appeal Panel, QMO shall arrange for a Panel to be established as soon as possible, normally within 30 working days, to consider the appeal and to determine an outcome.

9.17.2 The Appeal Panel constitution will be the same as for the Panel hearing. All members shall have had no involvement in the direct circumstances leading to the allegations against the student, the investigation into those allegations, have not been members of the original panel or have any other connection to the student which might be regarded as prejudicial to their impartiality.

9.17.3 The SMO, the Investigator, and the Chair of any original panel shall, as soon as is reasonably possible, receive a full copy of any evidence submitted by the student.

9.17.4 The SMO, the Investigator and the Chair of the original hearing may each make a written response for submission at least 5 working days before the date of the Appeal Panel hearing. These responses should not include new information or evidence not directly related to the grounds for review. This information must be provided at least 5 working days before the date of an Appeal Panel.

9.17.5 The Chair of the original hearing will be invited to attend the Appeal Panel alongside the SMO as an observer, the Appeal Panel may call on the chair as a witness during any appeal hearing.

9.17.6 Where there has been a Investigation, the investigator may be invited to be in attendance at the meeting at the same points as the student and the SMO, and may be called by the Appeal Panel to act as a witness at any point during these sections of the hearing.

9.17.7 The SMO will notify QMO of any witnesses they wish to call at least 5 working days before the date of an Appeal Panel.

9.17.8 The student shall receive written notification from QMO and of whether the University will call witnesses, giving at least 5 working days' notice of the date and time when the Appeal Panel will convene.

9.17.9 The student shall be the first party to present their case to the Appeal Panel. The SMO shall present the response to that case.

9.17.10 There shall be no entitlement to a rehearing of a case. The Appeal Panel may overturn a decision that misconduct occurred on review where it considers it just to do so.

9.17.11 The Appeal Panel may dismiss an appeal without a full hearing if it considers that the appeal, although not rejected by the Head of Academic Quality Management (or nominee), was in fact not made on the allowable grounds or was out of time.

9.17.12 Order of proceedings for a Student Misconduct Appeal Panel shall normally be:

- i) Introduction of those present, outline of procedure;
- ii) Student invited to declare any factors which may affect their performance in the hearing;
- iii) Grounds for review shall be set out by the student, or the student's representative;

- iv) The SMO or nominee shall respond to the request for review;
- v) The Panel shall have the opportunity to question both the SMO or nominee and the student;
- vi) Witnesses;
- vii) The student and the SMO provide closing statements. New evidence is not admissible at this time.

9.17.13 The Appeal Panel, where there is good cause to do so, may amend the order of proceedings. In such instances, the Chair must confirm the amendment and the reasons for this, and both shall be recorded in the minutes of the hearing.

9.17.14 The Appeal Panel hearing a request for review against a sanction may impose a lesser or greater sanction, having considered whether the original sanction imposed was fair and reasonable in the light of all the circumstances of the case and the student's means and general personal circumstances.

9.17.15 The Appeal Panel shall consider its decision and shall notify the student of its decision and its reasons normally within 5 working days. The decision of the Appeal Panel shall be final and no further appeal or review may be permitted within the University. The notification of the outcome of the review will include a statement of the exhaustion of all University procedures, a Completion of Procedures (CoP) letter.

## 10.0 External Review

10.1.1 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Salford is a member of this scheme. If a student is unhappy with the outcome, they may be able to ask the OIA to review their complaint. More information about making a complaint to the OIA, what it can and can't look at, and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

10.1.2 Students normally need to have completed the Student Misconduct Procedure before submitting a complaint to the OIA. The University will send a letter called a "Completion of Procedures Letter" when a student has reached the end of our processes and there are no further steps which can be taken internally. If a request for review made against a decision taken under this Procedure at a hearing is not upheld, the University will issue a Completion of Procedures Letter automatically. If a review is upheld or partly upheld a student can ask for a Completion of Procedures letter. More information about Completion of Procedures Letters and when a student should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

## Appendix A - Guidance Note on the Application of Sanctions, Mitigation & Aggravation.

- A.1. This Guidance Note complements the University of Salford Student Misconduct Procedure and offers advice on mitigation (factors which might make student misconduct less serious) and aggravation (factors which might make student misconduct more serious). The advice is to assist those issued with authority to do so by the procedure when imposing sanctions under the Student Misconduct Procedure. However, each instance of student misconduct under the Student Misconduct Procedure will be individual, and those making the decision will want to take the particular circumstances of the individual case into account when imposing a sanction or sanctions.
- A.2. In arriving at an appropriate sanction or sanctions, those making the decision will also want generally to take into account such factors as:
- Whether the student has shown remorse and/or has made a voluntary offer of compensation/reparation at an early stage.
  - Impact on the victims of the misconduct, including the extent of any harm and distress caused and especially any physical injury to others.
  - Whether there are specific aggravating factors, such as misconduct which is, or includes elements of, sexual violence/harassment.
  - The degree of intentionality and/or recklessness displayed in the misconduct.
  - The time and place of occurrence, and therefore the likely impact on others.
- A.3. Under the Student Misconduct Procedure, a student admitting misconduct for an offence may normally have any sanction, except withdrawal of an award or expulsion, duly reduced.
- A.4. The table below sets out a non-exhaustive list of examples of possible misconduct, with a broad guide as to what factors could be considered in deciding if these relate to 'minor' or 'major' concerns.

Example of Misconduct	Level 1 –minor	Level 2 –major
i) any conduct which constitutes a criminal offence and which may have an impact on the University and its activities;	- an offence which must only be dealt with at a Magistrates Court <sup>1</sup> (summary only) or which may be dealt with either at a Magistrates Court or Crown Court (either way)	- an offence which must only be dealt with at the Crown Court (indictable)
ii) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;	- minor in nature and not widely viewed or reported	- major in nature and widely viewed or reported - impact on learning
iii) obstruction, frustration or disruption of the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;	- minor disruption caused	- major disruption and/or impact on learning
iv) violent, indecent, disorderly, threatening, intimidating, defamatory, derogatory, offensive or otherwise inappropriate behaviour or language	- single incident - either inappropriate language or behaviour	- repeated despite requests to desist - sexist or racist languages used - vulnerable persons (e.g. children) present

<sup>1</sup> See <https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/> & <https://www.gov.uk/courts/magistrates-courts>

Example of Misconduct	Level 1 –minor	Level 2 –major
v) sexual, racial or other harassment;	<ul style="list-style-type: none"> <li>- it is highly unlikely harassment, which indicates more than a single incident, would be considered minor.</li> </ul>	<ul style="list-style-type: none"> <li>- in almost all incidences will be major, up to behaviour which becomes effectively a campaign</li> <li>-</li> </ul>
vi) fraud, deception or dishonesty and especially the falsification or misuse of the University's name, logo or formal records including award certificates	<ul style="list-style-type: none"> <li>- unsophisticated, single incident</li> </ul>	<ul style="list-style-type: none"> <li>- repeated</li> <li>- sophisticated and planned</li> <li>- falsification of University formal records including award certificates</li> </ul>
vii) repeated serious or aggravated academic offences, referred under the Academic Misconduct Procedure for the imposition of appropriate sanctions (which for these offences only may include academic sanctions);	<ul style="list-style-type: none"> <li>- referrals under the Academic Misconduct Procedure to this procedure will normally be only the most serious cases.</li> </ul>	<ul style="list-style-type: none"> <li>- repeat offence on a later occasion</li> <li>- advanced level of study</li> <li>- other students in some way disrupted/ affected</li> <li>- academic reputation of University threatened</li> <li>- use of "essay mills" or other external contracting services.</li> <li>-</li> </ul>
viii) having aided others to commit any act of academic misconduct, such actions may include: <ul style="list-style-type: none"> <li>a) being party to impersonation where another person sits an examination or other assignment in the place of the actual student;</li> <li>b) provision, or assistance in the provision, of evidence or knowledge or understanding in examinations or other assignment;</li> <li>c) provision of work, such as assignments, to external websites which could be used for academic misconduct;</li> <li>d) provision or promotion of services which may allow others to commit academic misconduct, for example for the contracting out of academic work or through the use of artificial intelligence software, this could include discussion or request for guidance on using such services;</li> </ul>	<ul style="list-style-type: none"> <li>a) Not usually appropriate.</li> <li>b) Not usually appropriate</li> <li>c) Single occurrence, where students own work and attempts made to remove material</li> <li>d) General discussion about services, with no specific attempt to provide or access such services</li> </ul>	<ul style="list-style-type: none"> <li>a) Normally any case</li> <li>b) Normally any case</li> <li>c) Multiple occurrences, provision of another person's work</li> <li>d) Multiple occurrences, Guidance or reference to specific services, Direct attempts to contract.</li> </ul>
ix) theft, misappropriation or misuse of University property including copyright and other intellectual property, or the property of the University's staff, students or visitors	<ul style="list-style-type: none"> <li>- low value</li> <li>- property recovered</li> <li>- no health and safety risk caused</li> </ul>	<ul style="list-style-type: none"> <li>- middle to high value</li> <li>- property partly or not recovered</li> <li>- health and safety risk caused</li> <li>- proven repeat offences</li> <li>- impact on learning</li> </ul>
x) misuse or unauthorised use of University premises and equipment, including the unauthorised possession of a key to University premises	<ul style="list-style-type: none"> <li>- low value damage caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- middle to high value damage caused</li> <li>- impact on learning or assessment of others</li> </ul>

Example of Misconduct	Level 1 –minor	Level 2 –major
xi) damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;	<ul style="list-style-type: none"> <li>- low value damage caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- middle to high value damage caused</li> <li>- proven repeat offences</li> <li>- impact on learning or assessment of others</li> </ul>
xii) action likely to cause injury or impair safety on University premises, including misuse of safety equipment and infringement of safety requirements;	<ul style="list-style-type: none"> <li>- low value damage caused</li> <li>- minor health and safety risk caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- middle to high value damage caused</li> <li>- proven repeat offences</li> <li>- impact on learning or assessment of others</li> </ul>
xiii) failure to respect the rights of others to freedom of belief and freedom of speech; Please refer to full Code of Practice on Freedom of Speech on the following link <a href="https://www.salford.ac.uk/governance-and-management">https://www.salford.ac.uk/governance-and-management</a> .	<ul style="list-style-type: none"> <li>- minor in nature and not widely viewed or reported</li> </ul>	<ul style="list-style-type: none"> <li>- either major in nature and widely viewed or reported</li> <li>- impact on learning</li> </ul>
xiv) breach of the provisions of any University rule, regulation, policy, procedure or code of practice including those for Information and Learning Services and IT Services, this includes any breach of the University's ICT Acceptable Use Policy;	<ul style="list-style-type: none"> <li>- minor disruption caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- major disruption to others</li> <li>- proven repeat offences</li> <li>- impact on learning or assessment of others</li> </ul>
xv) using or knowingly possessing controlled drugs within the University. Controlled drugs as defined in the Misuse of Drugs Act 1971 or any legislation modifying or replacing that Act	<ul style="list-style-type: none"> <li>- use and/or possession</li> </ul>	<ul style="list-style-type: none"> <li>- possession of quantity greater than that likely for personal use</li> </ul>
xvi) failure to disclose personal details to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;	<ul style="list-style-type: none"> <li>- single incident</li> </ul>	<ul style="list-style-type: none"> <li>- repeated</li> <li>- obstructed an investigation into misconduct</li> <li>- impact on learning</li> </ul>
xvii) failure to comply with any reasonable instruction(s);	<ul style="list-style-type: none"> <li>- minor disruption caused</li> </ul>	<ul style="list-style-type: none"> <li>- health and safety risk caused</li> <li>- major disruption to others</li> <li>- impact on learning or assessment of others</li> <li>- multiple repeated failures</li> </ul>
xviii) making frivolous vexatious and/or malicious allegations or complaints	<ul style="list-style-type: none"> <li>- minor in nature and not widely impacting</li> <li>- single incident</li> </ul>	<ul style="list-style-type: none"> <li>- either major in nature</li> <li>- repeated up to and including to the extent of a campaign</li> <li>- impact on learning</li> </ul>
xix) bribery	<ul style="list-style-type: none"> <li>-</li> </ul>	<ul style="list-style-type: none"> <li>- major in nature</li> <li>- widely impacting</li> <li>- repeated</li> <li>- assessment related</li> <li>- impact on learning</li> <li>- criminal offence</li> </ul>



<b>Document Control Information</b>			
<b>Revision History incl. Authorisation:</b> (most recent first)			
<b>Author</b>	<b>Summary of changes</b>	<b>Version</b>	<b>Authorised &amp; Date</b>
Richard Clemens	<i>Clarification of 2.9.2 Impact statements</i>	4.5	Minor corrections of wording to clarify
Richard Clemens	<i>Addition of new sanction: That a student be prohibited from attending a specific building or area of University campus for a defined time period of up to 12 months.</i>	4.4	ULTC 8 November 2023
Richard Clemens	<i>Replacing term “Action Pending a Hearing” with “Precautionary Measures”. Review of examples of misconduct and guidance in Appendix A. Replacement/removal of reference to formal/informal stages. Merger of fine &amp; compensation into one sanction Addition of ‘not to approach’ as distinct sanction, separate from ‘Written Undertaking’ Clarification of wording around Written Warnings Restructure and re-wording of sections regarding attendance and non-attendance at hearings to aid clarity Minor changes to wording, amendments to reflect University structure</i>	4.3	October 2023
Richard Clemens	<i>Minor corrections (School to summary hearing)</i>	4.2	1/12/2022
Richard Clemens	<i>Changes to process prior to formal consideration under Procedure. Changes to “Gatekeeper” role from Dean’s nominee Student Case Management Group (SCMG) and to pool of trained staff (Student Misconduct Offices (SMOs). Development of pool of Trained investigators. Change in process for agreeing and imposing ‘Action Pending’ Changes to Summary hearings from school hearings, including change to who holds the hearings. Change of ‘Appeal’ to “request for Review”. Update or organisational and role titles.</i>	4.1	
Richard Clemens	<i>Change of title of Procedure. Merger of two sanctions relating to suspension. Minor re-ordering of sections.</i>	4.0	SELTEC 17 May 2021

<b>Document Control Information</b>			
	<i>Update to sections on supporters, representatives, and witnesses. Minor restructuring and clarifications.</i>		
Richard Clemens	<i>Changes to definition of 'expulsion' restructure of the procedure. Some minor amendments to wording.</i>	3.0	ASQAC 2020
Richard Clemens	<i>Change from 'suspension pending to 'action pending'. Inclusion of explicit reference to option to instigate formal evidence gathering process (Investigation). Minor changes to wording and some layout changes.</i>	2.4	
Richard Clemens	<i>Update to Data protection with regard to GDPR 2018. Expansion on how cases may change between procedures. Some minor re-wording to</i>	2.3	
Richard Clemens	<i>Annual review &amp; transfer to new template; amendment to Academic Misconduct sanctions, and removal of the need for Senate to approve the withdrawal of previously ratified credit, following approved for the Academic Misconduct Procedure. Expansion of definitions of other sanctions to match those used in the approved Fitness to Practise Procedure.</i>	V2.2	
Richard Clemens	<i>Clarification relating to references in section 5.17 "Data Protection" &amp; Clarification for the timescales for the notification of witnesses 5.8.</i>	V2.1	ASQAC 21/06/2017
Richard Clemens	<i>Review, including: Separating out previous offences prior to decision on sanction; notification of Home Office Compliance team; clarification of suspended pending; review of guidance on sanctions; replacement of s/he, her/his with more neutral terms; Replacement of guilt/guilty; Update to reflect changes in structures; minor clarification on wording; all appeals to the Disciplinary Appeal Panel; additional example of misconduct relating to aiding others commit academic misconduct.</i>	V4.0	ASQAC 02/2017
Richard Clemens	<i>Annual Update &amp; review</i>		January 2015
Matthew Stephenson	<i>Amended document control information</i>	V1.1	9 April 2013

**Policy Management and Responsibilities:**

<b>Document Control Information</b>	
Owner:	This Policy is issued by the Head of Academic Quality Management, who has the authority to issue and communicate policy on Student Misconduct matters and has delegated day to day management and communication of the policy to the Assistant Quality Standards Manager.
Others with responsibilities (please specify):	Student Experience and Support, Deans of School & Directors of Professional Services.
<b>Author to complete formal assessment with the following advisory teams:</b>	
Equality Analysis (E&D, HR)	1. <b>signed off 19 October 2023</b> Approval Reference Number: EIA2023-55
Legal implications (LPG)	2. <i>N/A no significant change</i>
Information Governance (LPG)	3. <i>N/A no significant change</i>
Student facing procedures (QEO)	4. <i>N/A no significant change</i>
UKVI Compliance (Student Admin)	5. <i>N/A no significant change</i>
<b>Consultation:</b>	
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	1. Consultation with USSU, SES, key colleagues in Schools.
<b>Review:</b>	
<b>Review due:</b>	E.g. 2 years by August 2018 (Note: LPG send a reminder to review is due)
<b>Document location:</b>	<a href="https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures">https://www.salford.ac.uk/governance-and-management/student-facing-policies-and-procedures</a>
<b>The owner and author are responsible for publicising this policy document.</b>	